

MEMO ENDORSED



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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February 12, 2024

BY ECF

Honorable Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Robert Derek Lurch, Jr. v. City of New York, et al.*, 22 Civ. 10563
(JHR)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing Defendant City of New York (“City”) in the above-referenced matter.¹ Defendant writes for the reasons set forth herein to respectfully request that the Court enlarge the time for the City to respond to the Court’s *Valentin* Order from February 12, 2024, until April 1, 2024. This is Defendant’s first request that the Court extend this deadline. Defendant was not able to obtain Plaintiff’s consent to this request expeditiously, as Plaintiff is currently incarcerated and proceeding *pro se*.

By way of background, on December 12, 2022, Plaintiff *pro se* filed a complaint against “the City of New York,” “ESU Officer that entered my cell during a strip search on Aug. 2, 2022,” and “SRT Officer from Oct. 2022 incident that forced Plaintiff to inhale chemical agents.” ECF No. 2. On December 13, 2023, the Court ordered that the City must ascertain the identity and badge number of the John Doe ESU officer whom Plaintiff seeks to sue by February 12, 2024. ECF No. 6.

Thereafter, on January 31, 2024, the City sent identification interrogatories to Plaintiff to assist in the identification of the John Doe ESU officer. Because Plaintiff has thirty (30) days to respond to the identification interrogatories, his responses are due on March 1, 2024. The City has yet to receive a response to the interrogatories. However, the requested extension will allow time for Plaintiff to respond to these identification interrogatories and once additional information is


¹ This case has been assigned to Assistant Corporation Counsel Jordan Vanorsdale, who is awaiting her admission to the New York State Bar. Ms. Vanorsdale is handling this matter under my supervision and may be reached at jvanorsd@law.nyc.gov.

obtained from Plaintiff regarding this officer, the requested extension will allow the City time to conduct an investigation into the identification of this individual.

Further, a mediation has been scheduled in this matter, along with several other matters brought by Plaintiff, for March 11, 2024. *See* ECF No. 22 (referring this matter for mediation). In addition to working towards compliance with *Valentin* Order, Defendant City will focus its effort towards the upcoming scheduled mediation over the next few months.

Accordingly, Defendant City respectfully requests that the Court enlarge the time for Defendant City to respond to the Court's *Valentin* Order from February 12, 2024, to April 1, 2024.

Respectfully submitted,



Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY FIRST CLASS MAIL**

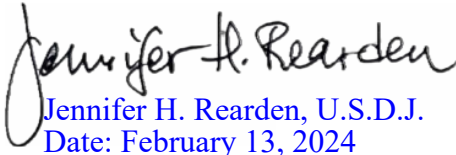
Robert Derek Lurch, Jr.
Plaintiff *pro se*
DIN #: 24-B-0013
Elmira Correctional Facility
Elmira, NY 14902

Application GRANTED. The time for Defendant City of New York to respond to the *Valentin* Order is extended, *nunc pro tunc*, to **April 1, 2024**.

All future submissions must comply with the Court's Individual Rules and Practices. *See, e.g.*, R. 2.E ("All requests for extensions of time . . . must be made not less than **two business days** before the scheduled deadline or date." (emphasis in original)).

The Clerk of Court is directed to terminate ECF No. 15. The Clerk of Court is further directed to mail a copy of this Order to the *pro se* Plaintiff and to note service on the docket.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.
Date: February 13, 2024